

DANIEL J. BRODERICK, Bar #89424  
Federal Defender  
DAVID M. PORTER, Bar #127024  
Assistant Federal Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Attorney for Defendant  
ENZOR HENDERSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S 04-326 GEB
	)	
Plaintiff,	)	<b>STIPULATION TO REDUCE SENTENCE</b>
	)	<b>PURSUANT TO 18 U.S.C. § 3582(c)(2)</b>
v.	)	<b>and [lodged] ORDER</b>
	)	
ENZOR HENDERSON,	)	<b><u>RETROACTIVE CRACK COCAINE REDUCTION</u></b>
	)	<b><u>CASE</u></b>
Defendant.	)	Date: June 6, 2008
	)	Time: 9:00 a.m.
	)	Judge: Hon. GARLAND E. BURRELL, Jr.

Defendant, ENZOR HENDERSON, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Kenneth J. Melikian hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Henderson was subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

3. Accordingly, the adjusted offense level is lowered from 23 to 21, and a sentence at the low end of the new guideline range would be 70 months;

4. Mr. Henderson merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Henderson's positive post-sentencing conduct;

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Henderson's term of imprisonment to 70 months.

Dated: May 5, 2008

Respectfully submitted,

McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ Kenneth J. Melikian  
KENNETH J. MELIKIAN  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Movant  
ENZOR HENDERSON

ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on April 16, 2008. The motion was set for hearing on June 6, 2008, but because the parties have stipulated to the resolution, the matter is taken off calendar.

The parties agree, and the Court finds, that Mr. Henderson is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable base offense level from 23 to 21, and a sentence for count one at the low end of the new

STIPULATION AND ORDER TO REDUCE SENTENCE

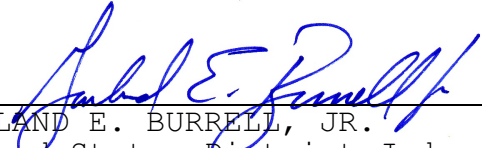
1 guideline range would be 70 months

2 IT IS HEREBY ORDERED that the term of imprisonment originally  
3 imposed is reduced to 70 months.

4 IT IS FURTHER ORDERED that all other terms and provisions of the  
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Henderson shall report to the United  
7 States Probation office closest to the release destination within  
8 seventy-two hours after his release.

9 Dated: May 6, 2008

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12 GARLAND E. BURRELL, JR.  
13 United States District Judge  
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